



PUBLIC NOTICE

APPLICATION FOR PERMIT

U.S. Army
Corps of Engineers
Chicago District

Public Notice/Application Number: 200400396
Comment Period Begins: September 29, 2004
Comment Period Expires: October 29, 2004

JOINT PUBLIC NOTICE

U.S. Army Corps of Engineers
Illinois Environmental Protection Agency
Illinois Department of Natural Resources-
Office of Water Resources

Applicant: Mr. John J. Lavelle

Proposed Action: Permit Application For A Commercial Development With 1.22 Acres Of Wetland Impact To A High Quality Aquatic Resource, Listed As ADID Site 17. A detailed description of this proposal is provided on page 2 of this notice.

Location of Proposed Action: Southwest of Deep Lake Road and IL Route 173 in Antioch, Lake County, Illinois (Ne Section 16, Township 46n North, Range 10e East 3rd P.M.)

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and as shown on the attached drawings. You are invited to provide your comments by October 29, 2004 on the proposed work, which will become part of the record and will be considered in the decision. A permit will be issued or denied under Section 404 of the Clean Water Act of 1972 (33 U.S.C. 1344). Written comments should be mailed to:

U.S. Army Corps of Engineers
Chicago District, Regulatory Branch
Attn: 200400396, Mr. Paul Leffler
111 North Canal Street, 6th floor
Chicago, Illinois 60606-7206

Project Description

The applicant is proposing to build three retail buildings, associated parking areas, and a stormwater detention pond resulting in 1.22 acres of wetland impact. There are two wetlands located on the 10.4 acre property, they have been characterized as the following:

| Wetland | Area (on-site) | Impact | FQI | Description |
|----------------|-------------------|--------|------|--|
| A (ADID 17) | 5.63 | 1.00 | 29.8 | Emergent marsh; <i>Typha latifolia</i> , <i>Phalaris arundinacea</i> , <i>Carex Stricta</i> , <i>Carex lacustris</i> |
| B | 0.22 | 0.22 | 7.5 | Scrub/Shrub wetland; <i>Salix interior</i> , <i>Phalaris arundinacea</i> , <i>Typha latifolia</i> , <i>Helianthus grosseserratus</i> |

The applicant has provided buffer for the remaining portions of Wetland A, with overall widths ranging from 20 feet to 155 feet. This buffer will then be seeded with prairie plants. In addition the applicant is installing a wet bottom detention basin planted with wetland species. Catchment basins will be installed in various locations to capture the stormwater runoff and convey the runoff to the detention basin before discharging into the preserved wetland.

To compensate for their impacts the applicant is proposing to buy 1.22 acres of wetland mitigation credits at the Squaw Creek Wetland Mitigation Bank and donate 16.3 acres of Wetland A (ADID Site 17) to a public agency for preservation.

It is worthwhile noting that road improvements are being proposed at the intersection of Deep Lake Road and Illinois Route 173 that will also have adverse impacts on 0.49 acre of wetland. The proposed roadwork is also being processed as an individual permit by this office under the reference number 200400660.

Regulatory Authority: This proposed action will be reviewed according to the provisions of Section 404 of the Clean Water Act.

Jurisdiction: This application will be reviewed according to the provisions of Section 404 of the Clean Water Act due to the proposal to place fill in a wetland that exhibits a hydrologic surface connection to the Des Plaines River, a navigable waterway.

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics,

general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, if the proposed activity involves the discharge of dredged or fill material into waters of the United States, the evaluation of the impact on the public interest will include application of Section 404(b)(1) guidelines (40 CFR 230) promulgated by the U.S. Environmental Protection Agency.

The Corps of Engineers is soliciting comments from the public, Federal, state and local agencies, Indian tribes, and other interested parties in order to consider and evaluate the potential impacts of the proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on the public interest factors listed above, as well as endangered species, historic properties, water quality, and general environmental effects. Comments will be used in the preparation of an Environmental Assessment and/or Environmental Impact Statement pursuant to the National Environmental Policy Act. A determination concerning the need for a public hearing will also be based on the comments received.

Preliminary Evaluation of Selected Factors

Water Quality - The applicant has applied to the Illinois Environmental Protection Agency (IEPA) for water quality certification, or waiver thereof, for the proposed activity in accordance with Section 401 of the Clean Water Act. Certification or waiver indicates that IEPA believes the activity will not violate applicable water quality standards. The review by the IEPA is conducted in accordance with the Illinois water quality standards under 35 Illinois Administrative Code Subtitle C. The water quality standards provide for the IEPA to review individual projects by providing an antidegradation assessment, which includes an evaluation of alternatives to any proposed increase in pollutant loading that may result from this activity. The "Fact Sheet" containing the antidegradation assessment for this proposed project may be found on the IEPA's web site, at www.epa.state.il.us/public-notice/. In the event that the IEPA is unable to publish the "Fact Sheet" corresponding to the timeframe of this Joint Public Notice, a separate public notice and "Fact Sheet" will be published by the IEPA at the web site identified above. You may also obtain a copy of the "Fact Sheet" by contacting the IEPA at the address or telephone number shown below.

Written comments specifically concerning possible impacts to water quality should be addressed to:

Illinois Environmental Protection Agency
Bureau of Water
Watershed Management Section
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

A copy of the written comments should be provided to the Corps of Engineers. If you have any questions please contact IEPA at (217) 782-3362.

Department of Natural Resources - The applicant has applied to the Illinois Department of Natural Resources, Division of Water Resources (IDNR-OWR) for a permit pursuant to the State of Illinois Rivers, Lakes and Streams Act (615 ILCS 5, 1994). Comments concerning the IDNR-OWR permit should be addressed to:

Illinois Department of Natural Resources
Office of Water Resources
2050 West Stearns Road
Bartlett, Illinois 60103

with a copy provided to the Corps of Engineers. If you have any questions please contact IDNR at (847) 705-4341.

Endangered and Threatened Species - The Corps of Engineers has determined that the proposed activity may affect a Federally-listed endangered/threatened species or designated critical habitat. Consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) has been initiated.

Historic Properties/Cultural Resources - Preliminary review indicates that the proposed activity is not likely to adversely affect any historic property which is listed, or eligible for listing, on the National Register of Historic Places.

Environmental Impact Statement - A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

Public Hearing - Any person may request in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing. A request for a hearing may be denied if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

It should be noted that materials submitted as part of the permit application become part of the public record and are thus available to the general public under the procedures of the Freedom of Information Act (FOIA). Individuals may submit a written request to obtain materials under FOIA or make an appointment to view the project file at the Chicago District Corps of Engineers Office of Counsel.

Interested parties wishing to comment on the proposed activity must do so by in writing no later than **October 29, 2004**. It is presumed that all parties receiving this notice will wish to respond to this public notice;

therefore, a lack of response will be interpreted as meaning that there is no objection to the project as described.

This public notice is not a paid advertisement and is for public information only. Issuance of this notice does not imply Corps of Engineers endorsement of the project as described.

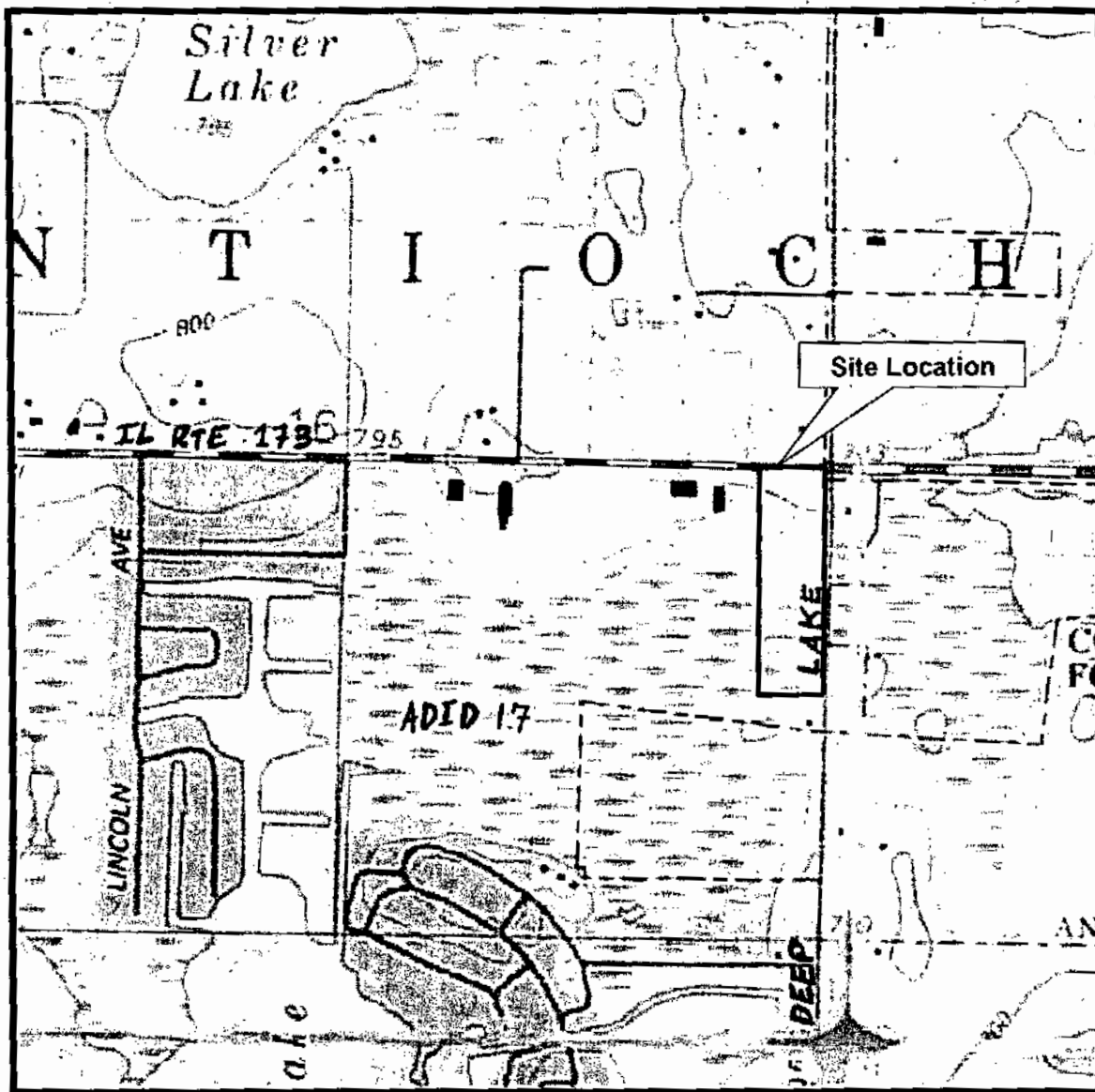
If you have any questions, please contact Mr. Paul Leffler of the Regulatory Branch by telephone at (312) 846-5529, or email at paul.m.leffler@usace.army.mil. **It should be noted that comments received via e-mail can only be accepted with the full name and address of the individual commenting.** You can also visit our website at www.lrc.usace.army.mil/co-r for more information on our program.

FOR THE DISTRICT ENGINEER:


Leesa A. Beal
Chief, East Section
Regulatory Branch

NOTICE TO POSTMASTERS:

It is requested that this notice be conspicuously and continuously posted until October 29, 2004.



**SITE LOCATION MAP
ANTIOCH RETAIL DEVELOPMENT
LAKE COUNTY, ILLINOIS**

| | | | |
|-------------|---|--|-----------------|
| Source: | USGS 7.5 Minute Topographic Map, Antioch Quadrangle, 1993 | | |
| Proj. Mgr.: | KLH |  <p>Engineers Surveyors Scientists Planners 900 Woodlands Parkway, Vernon Hills, IL 60061 Tel: (847) 634-5550 Fax: (847) 634-0095 http://www.manhard.com</p> | FIGURE 1 |
| Drawn By: | KRB | | |
| Date: | 10-1-03 | | |
| Scale: | 1"=1000' | | |

